

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL D. LEMLEY,

Plaintiff,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant.

Case No. 3:15-cv-00598-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 18) (“R&R” or “Recommendation”) relating Plaintiff’s motion to remand (ECF No. 13). Plaintiff had until October 16, 2016, to object to the Recommendation. To date, no objection to the R&R has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard

1 of review employed by the district court when reviewing a report and recommendation to
2 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
3 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
4 view that district courts are not required to review "any issue that is not the subject of an
5 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
6 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
7 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
8 which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
10 determine whether to adopt Magistrate Judge Cobb's Recommendation. The Magistrate
11 Judge recommended denying plaintiff's motion, finding there is no basis to reserve or
12 remand the ALJ's decision. Upon reviewing the R&R and the records in this case, this
13 Court finds good cause to adopt the Magistrate Judge's Recommendation in full.

14 It is therefore ordered, adjudged and decreed that the Report and
15 Recommendation of Magistrate Judge William G. Cobb (ECF no. 18) is accepted and
16 adopted in its entirety. It is ordered plaintiff's motion to remand (ECF No. 13) is denied.

17 It is further ordered that the Clerk enter judgment in favor of the Commissioner of
18 Social Security Administration and close this case.

19 DATED THIS 28th day of October 2016.

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23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
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